

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No: 04-2885

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MARC HILAIRE JOSEPH,

Petitioner

v.

ALBERTO GONZALES,\* Attorney General  
of the United States of America,

Respondent

\*Substituted pursuant to Federal Rule of Appellate Procedure 43(c)(2)

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On Petition for Review  
from the Board of Immigration Appeals  
(No. A40-135-340)

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Argued July 14, 2005

Before: SLOVITER, McKEE, and WEIS, Circuit Judges

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ORDER AMENDING SLIP OPINION AND JUDGEMENT

The slip opinion should be amended with the following correction:

Section V. Conclusion should read as follows:

For the reasons set forth above, we believe a genuine issue of material fact

exists as to Joseph's derivative citizenship claim, and we will therefore grant his petition for review, vacate the order of the BIA and remand the case to the United States District Court for the District of New Jersey for further proceedings. Footnote 19 should be deleted.

An amended opinion and judgment shall be issued.

/s/ Theodore A. McKee  
CIRCUIT JUDGE

DATED: September 20, 2005